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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009

Report of the Secretary-General

Summary

The present report, the second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009, is submitted pursuant to General Assembly resolution 63/255. The report provides an estimate of the anticipated final level of expenditure for the biennium 2008-2009, taking into account changes in parameters for inflation and exchange rates and cost-of-living adjustments vis-à-vis the assumptions made in the first performance report (A/63/559), which was reviewed by the Assembly at its sixty-third session and which formed the basis for the revised appropriation and estimate of income for the biennium.

The revised requirements reflect an increase of $12,655,400 gross ($3,623,900 net) as compared with the revised appropriation for the biennium 2008-2009. The increase is the result of the net effect of an increase due to exchange rate fluctuations ($11,209,400 gross ($10,584,000 net)), an increase in post incumbency and other changes ($2,207,700 gross (decrease of $6,077,200 net)) partly offset by a decrease resulting from the effect of inflation ($761,700 gross ($882,900 net)).

The General Assembly is requested to revise the appropriation for 2008-2009 to the Special Account for the International Tribunal for the Former Yugoslavia to $388,888,300 gross ($345,690,900 net).

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I. Introduction

1. The purpose of the present second performance report on the budget for the International Tribunal for the Former Yugoslavia is to provide an estimate of the final level of resources required for the biennium. The estimate is based on actual expenditures for the first 19 months of the biennium, projected requirements for the last five months and changes in inflation and exchange rates and cost-of-living adjustments as compared with the assumptions made in the first performance report (A/63/559), which was reviewed by the General Assembly at its sixty-third session and which formed the basis for the revised appropriation for the biennium 2008-2009.

2. The activities of the International Tribunal are predominantly trial-based, and most of the requirements are therefore linked to the pace of trial activities.

II. Explanation of the changes in net expenditure requirements

3. The estimates proposed in the present report reflect an increase of $12,655,400 gross ($3,623,900 net) as compared with the revised appropriation approved by the General Assembly in its resolution 63/255. The distribution of the projected changes and the proposed final appropriation for the International Tribunal for the biennium 2008-2009 are set out in tables 1 and 2.

Table 1
Estimated final requirements by component and main determining factor
(Thousands of United States dollars)

Component	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Chambers	16 106.9	63.1	(10.6)	29.9	82.4	16 189.3
Office of the Prosecutor	96 849.4	2 883.1	(261.0)	5 107.9	7 730.0	104 579.4
Registry	258 727.5	8 156.8	(477.6)	(1 754.3)	5 924.9	264 652.4
Records management and archives	4 549.1	106.4	(12.5)	(1 175.8)	(1 081.9)	3 467.2
Total expenditure (gross)	**376 232.9**	**11 209.4**	**(761.7)**	**2 207.7**	**12 655.4**	**388 888.3**
Income						
Staff assessment	33 900.6	625.4	121.2	8 284.9	9 031.5	42 932.1
Other income	265.3	—	—	—	—	265.3
Total requirements (net)	**342 067.0**	**10 584.0**	**(882.9)**	**(6 077.2)**	**3 623.9**	**345 690.9**

Table 2
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	168 443.8	4 653.5	(76.6)	4 735.4	9 312.3	177 756.1
Other staff costs	47 850.0	2 381.1	(264.0)	(3 912.9)	(1 795.8)	46 054.2
Salaries and allowances of judges	15 916.9	61.9	(6.9)	5.7	60.7	15 977.6
Consultants and experts	877.1	26.8	(3.0)	208.6	232.4	1 109.5
Travel of staff	6 270.0	—	(149.1)	(126.4)	(275.5)	5 994.5
Contractual services	66 679.0	2 281.1	(252.9)	(3 208.7)	(1 180.5)	65 498.5
General operating expenses	29 753.6	971.0	(107.5)	(3 029.2)	(2 165.7)	27 587.9
Hospitality	16.6	0.6	—	—	0.6	17.2
Supplies and materials	2 285.3	76.9	(8.6)	(711.1)	(642.8)	1 642.5
Furniture and equipment	3 634.7	115.0	(12.5)	8.3	110.8	3 745.5
Improvement of premises	314.9	16.1	(1.8)	(46.9)	(32.6)	282.3
Grants and contributions	290.4	—	—	—	—	290.4
Staff assessment	33 900.6	625.4	121.2	8 284.9	9 031.5	42 932.1
Total expenditure (gross)	**376 232.9**	**11 209.4**	**(761.7)**	**2 207.7**	**12 655.4**	**388 888.3**
Income						
Staff assessment	33 900.6	625.4	121.2	8 284.9	9 031.5	42 932.1
Other income	265.3	—	—	—	—	265.3
Total requirements (net)	**342 067.0**	**10 584.0**	**(882.9)**	**(6 077.2)**	**3 623.9**	**345 690.9**

A. Variations in budgetary assumptions

Rates of exchange and inflation (increase: $10,447,700)

4. The increase in this category is attributable to the impact of exchange rate fluctuations ($11,209,400), attributable mainly to the weakening of the dollar vis-à-vis the euro during the period from November 2008 to October 2009 and the application of the October exchange rate for November and December 2009, partially offset by decreased requirements for inflation ($761,700). With regard to inflation, the adjustments are based on the latest information available on consumer price indices as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories as compared with the assumptions made in the revised appropriation. Details of the assumptions used in arriving at the foregoing figures are outlined in annex I to the present report.

B. Other requirements

Chambers

Table 3
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Salaries and allowances of judges	15 916.9	61.9	(6.9)	5.7	60.7	15 977.6
Consultants and experts	34.5	1.2	(0.1)	—	1.1	35.6
Travel of staff	155.5	—	(3.6)	24.2	20.6	176.1
Total requirements	**16 106.9**	**63.1**	**(10.6)**	**29.9**	**82.4**	**16 189.3**

Travel of staff (increase: $24,200)

5. The increase is attributable to additional travel undertaken by the President of the Tribunal in relation to residual mechanism issues and post-Tribunal activities and to address senior Government officials in the Balkans and Europe.

Office of the Prosecutor

Table 4
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	57 696.2	1 418.2	(102.6)	2 765.2	4 080.8	61 777.0
Other staff costs	25 239.6	1 241.7	(137.6)	(1 494.8)	(390.7)	24 848.9
Consultants and experts	388.5	9.9	(1.1)	221.0	229.8	618.3
Travel of staff	1 501.4	—	(34.9)	167.9	133.0	1 634.4
Contractual services	121.6	4.4	(0.4)	(33.7)	(29.7)	91.9
Staff assessment	11 902.1	208.9	15.6	3 482.3	3 706.8	15 608.9
Total expenditure (gross)	**96 849.4**	**2 883.1**	**(261.0)**	**5 107.9**	**7 730.0**	**104 579.4**
Income						
Staff assessment	11 902.1	208.9	15.6	3 482.3	3 706.8	15 608.9
Total requirements (net)	**84 947.3**	**2 674.2**	**(276.6)**	**1 625.6**	**4 023.2**	**88 970.5**

Posts (increase: $2,765,200)

6. The increase reflects the combined effect of increases in salaries ($2,438,400) and common staff costs ($326,800). Consistently lower than standard vacancy rates have been experienced by the Office of the Prosecutor during the biennium 2008-2009. The budgetary assumptions included a vacancy rate of 9.5 per cent for the Professional category and above and 7.9 per cent for the General Service and related categories. During 2008 the average vacancy rates were 4.3 per cent for Professional posts and 2.9 per cent for General Service posts. For the period from January to September 2009, the average vacancy rates were 10.1 per cent for Professional posts and 3.3 per cent for General Service posts. At the end of September, a total of 24 posts (23 Professional and 1 General Service) remained unencumbered, reflecting actual vacancy rates of 17.6 per cent for Professional posts and 1.6 per cent for General Service posts. Furthermore, the increased requirements under common staff costs relate to frequent rotation in the Office of the Prosecutor, which has resulted in higher payments for installation/repatriation travel and allowances, generating a higher rate of actual common staff costs than projected.

7. Provisions under staff assessment amount to $15,608,900, reflecting a net increase of $3,482,300, which is offset by the same amount under income from staff assessment.

Other staff costs (decrease: $1,494,800)

8. The decrease is mainly attributable to reduced requirements under mission subsistence allowance ($175,500) and general temporary assistance ($1,342,600). Decreased requirements under mission subsistence allowance are attributable to a decrease in the number of staff in the Belgrade office as the tracking and investigation staff assigned to Župljanin and Karadžić was relocated to The Hague following the arrest of the two accused. Reduced requirements under general temporary assistance are attributable in part to the standard salary costs used in the budget being higher than the actual salaries paid to the incumbents and in part to a higher vacancy rate than budgeted. The higher vacancy rate is attributable in part to difficulties faced by the Tribunal throughout the biennium in the recruitment of temporary assistance staff, owing to the perceived temporary status of the positions, and in part, especially towards the end of the biennium, to the fact that vacant general temporary assistance positions that are meant to be abolished in 2010-2011 have not been filled.

Consultants and experts (increase: $221,000)

9. The increase relates to two main factors: the higher than budgeted number of expert witnesses engaged by the Office of the Prosecutor, owing to a decision by the Trial Chamber not to allow in-house experts to provide expert testimony during hearings, and the higher than budgeted number of consultants required to assist prosecution teams in pretrial and trial work, owing to the increased complexity of issues generated by multiple-accused trials.

Travel of staff (increase: $167,900)

10. The increase is attributable to an increase in travel by the Prosecutor to engage national and organizational support and to a higher level of activity in relation to the transition, including the transfer of 10 cases involving 30 suspects to the region.

Contractual services (decrease: $33,700)

11. The decrease relates to reduced requirements under training owing to the heavy workload associated with the heavy pace of trial activity, both at the trial and appellate level, which has resulted in the inability of staff to attend training courses as initially programmed for the biennium 2008-2009.

Registry

Table 5
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	110 747.6	3 235.3	26.0	1 970.2	5 231.5	115 979.1
Other staff costs	21 701.2	1 110.0	(123.1)	(2 370.3)	(1 383.4)	20 317.8
Consultants and experts	395.4	13.7	(1.5)	(6.1)	6.1	401.5
Travel of staff	4 586.2	—	(110.0)	(317.7)	(427.7)	4 158.5
Contractual services	63 003.1	2 201.7	(244.2)	(2 054.1)	(96.6)	62 906.5
General operating expenses	29 753.6	971.0	(107.5)	(3 029.2)	(2 165.7)	27 587.9
Hospitality	16.6	0.6	—	—	0.6	17.2
Supplies and materials	2 285.3	76.9	(8.6)	(711.1)	(642.8)	1 642.5
Furniture and equipment	3 634.7	115	(12.5)	8.3	110.8	3 745.5
Improvement of premises	314.9	16.1	(1.8)	(46.9)	(32.6)	282.3
Grants and contributions	290.4	—	—	—	—	290.4
Staff assessment	21 998.5	416.5	105.6	4 802.6	5 324.7	27 323.2
Total expenditure (gross)	**258 727.5**	**8 156.8**	**(477.6)**	**(1 754.3)**	**5 924.9**	**264 652.4**
Income						
Staff assessment	21 998.5	416.5	105.6	4 802.6	5 324.7	27 323.2
Other income	265.3	—	—	—	—	265.3
Total requirements (net)	**236 463.7**	**7 740.3**	**(583.2)**	**(6 556.9)**	**600.2**	**237 063.9**

Posts (increase: $1,970,200)

12. The increase reflects the increased requirements under salaries ($5,596,500) owing to the lower than budgeted vacancy rate during the biennium 2008-2009, partly offset by decreased requirements under common staff costs arising from the lower than budgeted actual rates of common staff costs ($3,626,300). The budgetary assumptions included a vacancy rate of 9.5 per cent for the Professional category and above and 7.9 per cent for the General Service and related categories. During 2008, the average vacancy rates were 4.7 per cent for Professional posts and 2.9 per cent for General Service posts. For the period from January to September 2009, the

average vacancy rates were 6.8 per cent for Professional posts and 3.7 per cent for General Service posts. At the end of September, a total of 28 posts (19 Professional and 9 General Service) remained unencumbered, reflecting actual vacancy rates of 8.9 per cent for Professional posts and 2.8 per cent for General Service posts. The decreased requirements under common staff costs relate to a lower turnover in the Registry than in the Tribunal as a whole, which has generated a lower rate of actual common staff costs than projected.

13. Provisions under staff assessment amount to $27,323,200, reflecting a net increase of $4,802,600, which is offset by an equivalent amount under income from staff assessment.

Other staff costs (decrease: $2,370,300)

14. The decrease is mainly attributable to reduced requirements under interpretation ($214,800), translation ($524,300), general temporary assistance ($1,199,100), overtime ($426,800) and mission subsistence allowance ($88,200). Decreased requirements under translation are mainly attributable to increased use of in-house translation capacity, whereas the reduced requirements under interpretation are attributable to delays in the proceedings due to the statutory time frames of the rules of procedure and evidence and to factors beyond the Tribunal's control, which affected the hearing time and therefore the need for interpretation. Reduced requirements under general temporary assistance are attributable in part to the standard salary costs used in the budget being higher than the actual salaries paid to the incumbents and in part to a higher vacancy rate than budgeted, especially towards the end of the biennium, owing to the fact that vacant general temporary assistance positions that are meant to be abolished in 2010-2011 have not been filled. The decrease under overtime has been achieved through continual and rigorous monitoring of requests for overtime, whereas reduced requirements under mission subsistence allowance are broadly attributable to delays in the deployment of staff stationed in field offices. The decrease is partly offset by increased requirements under night differential ($82,900) owing to a higher than forecasted utilization of court rooms after 6 p.m., which resulted in additional expenditures in respect of the night differential entitlements of security officers.

Travel of staff (decrease: $317,700)

15. The decrease is related mainly to a reduction in the number of witnesses and accompanying dependants travelling to The Hague.

Contractual services (decrease: $2,054,100)

16. The decrease is mainly attributable to reduced requirements for defence counsel fees ($3,499,500), detainee services ($475,800), contractual translation ($325,600), training ($266,600) and data-processing services ($490,000), partly offset by increased requirements under contractual verbatim reporting ($3,219,100).

17. The decrease under defence counsel fees is mainly attributable to several changes in the scheduling of trials, including the temporary suspension of ongoing trials, delays in the commencement of trials, the ranking of several cases at lower levels of complexity, and the successful litigation by the Registry of decisions regarding funding. The decrease under detainee services is mainly due to slightly lower charges following the extension of the agreement with the authorities of the

Netherlands governing the provision of detention services for International Tribunal detainees. The reduction under contractual translation is mainly the result of the increased use of in-house translation capacity. The decrease under training is attributable to lower costs for the provision of career development training services. Further, the decrease under data-processing services is due to the simplification of the database sources portfolio, including the discontinuation of the Lexis-Nexis service.

18. The increased requirements under contractual verbatim reporting are due to an increase in the rates applicable under the new contract for court reporting services owing to movements of the exchange rate between the euro and the dollar and of the consumer price index since the time the rates were last set in 2001.

General operating expenses (decrease: $3,029,200)

19. The decrease relates broadly to reduced requirements under miscellaneous services ($1,027,600) owing to the lower than budgeted number of families in need of temporary relocation within the Netherlands and to a reduction under general insurance resulting from an increase in the deductible amount for property and liability insurance, which in turn yielded lower insurance premiums. The reduction also relates to reduced requirements under (a) rental of premises ($311,200) due to reduced costs for the common office premises at the United Nations House in Sarajevo, which are based on the actual space occupancy by the International Tribunal and the other tenants; (b) miscellaneous maintenance services ($427,400) as a result of stricter controls in the use of external service contracts for the regular and emergency maintenance of the headquarters, administration and annex buildings and field offices; (c) rental of office equipment ($153,900) owing to renegotiation of the terms and conditions of the lease agreement for photocopiers; (d) communications ($544,000) owing to economies achieved through sharp competition in the deregulated European telecommunications industry, improvements in satellite communications and reduced field communication charges; and (e) maintenance of various items of equipment ($402,700) resulting from proactive maintenance and equipment life cycle replacement programmes implemented by the Tribunal.

Supplies and materials (decrease: $711,100)

20. The decrease is attributable to reduced requirements under office and data-processing supplies ($218,500), public-information supplies ($235,400) and uniforms ($158,800). The decrease under office and data-processing supplies is attributable to strict controls implemented on the use of printer toner and other supplies throughout the different organs of the Tribunal and to the greater use of disclosure of evidence and other legal materials in electronic rather than hard-copy format, made possible through the expansion of the e-court and electronic data systems, as well as the more intensive use of e-mail for text and image document transmissions. The reduction under public-information supplies is the result of a reduction in stock levels of these supplies following a recommendation by the Office of Internal Oversight Services, whereas the reduced requirements under uniforms are the result of the fact that the replacement of full uniform attire for each security officer every three years, based on anticipated wear, turned out to be unnecessary.

Improvement of premises (decrease: $46,900)

21. The decrease relates mainly to the anticipated closure of the Zagreb field office at the end of 2009 and of the annex building at the end of the first quarter of 2011, which reduces the need for construction and alteration projects for these buildings.

Archives

Table 6
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2008-2009 appropriation*	*Projected changes*				*Proposed 2008-2009 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Salaries and allowances of judges	909.2	29.4	(3.3)	(47.8)	(21.7)	887.5
Consultants and experts	58.7	2.0	(0.3)	(6.3)	(4.6)	54.1
Travel of staff	26.9	—	(0.6)	(0.8)	(1.4)	25.5
Contractual services	3 554.3	75.0	(8.3)	(1 120.9)	(1 054.2)	2 500.1
Total requirements	**4 549.1**	**106.4**	**(12.5)**	**(1 175.8)**	**(1 081.9)**	**3 467.2**

Other staff costs (decrease: $47,800)

22. The reduction is mainly attributable to the standard salary costs used in the budget being higher than the actual salaries paid to the incumbents.

Contractual services (decrease: $1,120,900)

23. The reduction is based on the costs of the proposal from the vendor approved by the local committee on contracts for the digitization of audio-visual records of the Tribunal, which involves the transfer of the audio-visual records from magnetic tapes to a numeric format so as to ensure preservation and future access, being significantly lower than expected.

III. Conclusion

24. **The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2008-2009 of $388,888,300 gross ($345,690,900 net) to the Special Account for the International Tribunal for the Former Yugoslavia.**

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Estimates used for the revised appropriation		*Proposed estimates for the final appropriation*	
Budget parameters	*2008*	*2009*	*2008*	*2009*
Rate of exchange (US$ 1: €)	0.677	0.773	0.677	0.721
Rate of inflation (percentage)	2.50	1.70	2.50	0.70
Post adjustment multiplier at The Hague (percentage)	67.55	52.10	67.57	60.40

Annex II

Trial activity during the biennium 2008-2009

1. The three Trial Chambers of the Tribunal continued to operate at record capacity, with two separate sittings in each of the Tribunal's three courtrooms from early morning through to the evening. With the three available courtrooms, the Tribunal is able to run six trials (in hearing phase) per day simultaneously from 9 a.m. to 7 p.m. Since 2007 the Tribunal has been able to accommodate the running of a full seventh trial. This was made possible by making use of free courtroom space resulting from unavoidable delays in the proceedings and by assigning judges to serve on more than one case at a time. Furthermore, in order to expedite the hearing of trials, two of the Chambers hearing multiple-accused cases held additional hearings during the three-week summer recess period, taking advantage of the extended availability of the three courtrooms. Additionally, during the fourth quarter of 2009, the Tribunal started the trials of *Stanišić and Župljanin* and of *Karadžić*, while the judgement of another trial was in the drafting phase and another trial was adjourned owing to allegations of witness intimidation. This increased the number of active trials to a record of nine.

2. As at the time of the present report, of the 161 accused indicted by the Tribunal, one accused remains at the pretrial stage, awaiting the commencement of his trial, and a further two accused are still at large. A total of 24 accused are currently being tried, and an additional 14 have appeals pending. All other cases have been completed.

3. In the *Gotovina/Čermak/Markač* case (three accused), the prosecution commenced its case on 11 March 2008 and ended its case on 5 March 2009. The rule 98 bis decision was delivered on 3 April 2009. The defence commenced its case on 27 May 2009; the defence has been given a total of 210 hours to present its case. It is anticipated that the taking of evidence will end no later than the summer of 2010.

4. In the *Perišić* case, the prosecution began its case on 3 October 2008. The prosecution has been authorized to call 150 witnesses and was given a total of 355 hours for examination-in-chief. The projected completion date for the delivery of judgement is September 2010.

5. The *Stanišić and Simatović* case (two accused) began on 28 April 2008. Following an Appeals Chamber decision on 16 May 2008, the proceedings were adjourned as from 20 May for an indefinite period owing to the health of one of the accused. The proceedings were returned to a pretrial phase. On 17 December 2008, a further adjournment period was ordered. On 24 April 2009, the health of the accused was reassessed, and the accused were both ordered to return from provisional release no later than 4 May 2009. The pretrial conference was held on 2 June, and the prosecution's opening statement was presented on 9 and 10 June. The first witness testified for the prosecution on 29 and 30 June. In August, a counsel for the accused Mr. Simatović died suddenly. The case is currently not proceeding owing to issues regarding the appointment of a replacement counsel for Mr. Simatović. The estimated date of completion is uncertain. The most recent estimate was that the trial would take 25 months.

6. In the *Popović et al.* case (seven accused), the presentation of oral evidence by the prosecution and the defence has concluded, and closing arguments were conducted on 15 September 2009. It is anticipated that the judgement will be delivered at the end of 2009 or early in 2010.

7. In the *Đorđević* case, the prosecution delivered its opening statement on 27 January 2009, and testimony began on 28 January. The case is estimated to last approximately 18 months from opening statement to delivery of the judgement. The prosecution's last *viva voce* witness commenced his evidence on 26 October 2009. The prosecution completed its case on 28 October 2009. The defence is scheduled to commence its case on 30 November 2009.

8. In the *Prlić et al.* case (six accused), presentation of evidence began on 26 April 2006. The fourth defence began presentation of its evidence on 26 October 2009. The original estimate for the length of this trial was three years. The Chamber has authorized the defence a total of 336.5 hours for presentation of all six accused, with times assigned variously to each of the accused. The projected estimate for the end of presentation of evidence is mid-2010. On 14 October, the accused Ćorić returned to the detention unit from provisional release owing to medical concerns.

9. The *Šešelj* trial commenced for the second time on 7 November 2007. On 29 July 2008, the prosecution filed a motion to adjourn the proceedings pending determination of a motion it filed requesting that the Chamber impose counsel on this self-representing accused, alleging a wide range of misconduct, interference and intimidation of witnesses. There was also a contempt action filed, naming the accused, relating to his having published the names of protected witnesses in a book. At the present time, the trial is adjourned, and the prosecution has filed another motion to impose counsel, following a conviction being returned by a different Chamber on the contempt indictment. The trial was adjourned by a majority decision of the Trial Chamber as from 11 February 2009. The prosecution has five hours remaining of its original 120 hours to present its case. The prosecution filed a motion on 12 February 2009, requesting an additional 23.5 hours to complete its evidence. An estimated completion date is uncertain in this case in the light of the current suspension of the proceedings.

10. In the *M. Stanišić and S. Župljanin* case (two accused), the pretrial conference was held on 4 September 2009, and opening statements were delivered on 14 September. The Trial Chamber has allotted 212 hours for the prosecution to present the evidence-in-chief of 131 witnesses. The estimated length of the prosecution's case, allowing for cross-examination time and administrative time, is estimated at 508 hours, and the estimated date of completion of the prosecution's case is April 2010. The length of the defence's case is not yet known.

11. In the *Tolimir* case, the initial appearance of the accused was on 4 June 2007. The prosecution pretrial brief was filed on 28 November 2008. The defence pretrial brief was submitted on 30 September 2009. The pretrial conference is scheduled for 16 December 2009, and the prosecution's opening statement is scheduled to commence on 17 December. The projected length of the trial is 14 months. The accused is self-represented and has health issues which are being monitored.

12. In the *Karadžić* case, the initial appearance of the accused occurred on 31 July 2008. The prosecution pretrial brief was filed on 18 May 2009 and the defence pretrial brief on 29 June. The trial is estimated to last between 24 and 30 months.

The prosecution has been granted 300 hours to present its case. The trial commenced on 26 October 2009, despite the non-attendance of the accused, who maintained that he was not adequately prepared. The assignment of counsel and continuation of the trial will be decided by the Trial Chamber, should the position of the accused remain unchanged.

13. In the *Lukić and Lukić* case (two accused), the prosecution began its case on 9 July 2008. The prosecution presented 46 witnesses in its case-in-chief. The defence presented its case beginning on 15 December 2008, and final arguments were heard on 19 and 20 May 2009. The judgement was delivered on 20 July. The accused Milan Lukić was sentenced to life imprisonment. The accused Sredoje Lukić was sentenced to 30 years imprisonment.

14. In the *Milutinović et al.* case (six accused), the trial commenced on 10 July 2006. The defence began its case on 6 August 2007, and closing arguments were conducted from 19 to 27 August 2008. The judgement was rendered on 26 February 2009. One accused (Milutinović) was acquitted, and no appeal is being taken in his case. The other five accused were convicted and sentenced to periods of 22 years' imprisonment (Sainović, Pavković and Lukić) and 15 years' imprisonment (Ojdanić and Lazarević).

15. Two contempt cases arose from the *Šešelj* trial. Ljubiša Petković's initial appearance occurred on 29 May 2008 on the charge of contempt for failing to comply with the subpoena of the Chamber. The judgement was issued on 11 September 2008, and the accused was sentenced to four months' imprisonment. The second contempt case involved the accused himself (Šešelj), tried for knowingly and wilfully interfering with the administration of justice by disclosing confidential information in violation of orders granting protective measures and by disclosing excerpts of the written statement of a witness in a book he authored. Mr. Šešelj's initial appearance on this contempt charge was on 6 March 2009. The trial commenced on 29 May, and the judgement was rendered on 24 July. The accused was sentenced to 15 months' imprisonment.

16. Dragan Jokić was tried for repeatedly refusing to testify before the Tribunal after having been subpoenaed as a witness in the *Popović et al.* trial. The proceedings began on 19 November 2007 and ended on 15 December 2008. The judgement was entered in the case on 27 March 2009, and the accused was sentenced to four months' imprisonment.

17. Two cases involving three accused were tried in relation with the *Haradinaj et al.* case. In the *Haxhiu* case, the initial appearance of the accused, Baton Haxhiu, occurred on 21 May 2008, and the trial commenced on 24 June 2008. The judgement was entered on 24 July 2008, and the accused was sentenced to pay a fine of €7,000 for knowingly and wilfully interfering with the administration of justice by revealing the identity of a protected witness in an article he had written and published. In the case of *Haraqija and Morina*, also arising from the *Haradinaj et al.* case, Astrit Haraqija was acquitted of contempt for allegedly trying to persuade a protected witness not to testify for the prosecution in the case. Bajrush Morina was convicted in the same contempt case for pressuring the same witness not to testify. The trial of both accused was held from 8 to 11 September 2008. The judgement was rendered on 17 December 2008. The accused Morina was sentenced to three months' imprisonment.

18. In the case of Florence Hartmann, the former spokesperson for the Prosecutor of the Tribunal from 2000 to 2006 was charged with contempt for knowingly and wilfully interfering with the administration of justice by disclosing information in violation of two orders of the Appeals Chamber by authoring a book containing the prohibited information. The trial was conducted from 15 to 17 June 2009 and on 1 July 2009. Closing arguments were presented on 3 July. The judgement was rendered on 14 September, and the accused was sentenced to pay a fine of €7,000.

Annex III

Voluntary contributions and trust fund activities

1. The General Assembly, in resolutions 49/242 B and 53/212, invited Member States and other interested parties to make voluntary contributions to the International Tribunal for the Former Yugoslavia, both in cash and in the form of services and supplies acceptable to the Secretary-General. As at 30 September 2009, cash donations of approximately $45.8 million had been received for the Voluntary Fund to support the activities of the Tribunal. Pledges amounting to $729,800 have also been received. For the period from 1 January 2008 to 30 September 2009, the Tribunal received $1,526,900 in voluntary cash contributions.

2. Voluntary contributions have been utilized for the Young Prosecutors Training Programme, which is aimed at strengthening the capacity of the countries of the former Yugoslavia to effectively investigate and prosecute war crimes, for the outreach programme, for victim and witness support and for the continued development of the Tribunal's library and advocacy training activities. The status of voluntary cash contributions and cash pledges to support the activities of the Tribunal, as at 30 September 2009, is as follows:

Cash contributions to the Voluntary Fund, by contributor, as at 30 September 2009

(Thousands of United States dollars)

Contributions from inception to 31 December 2007	44 262.3
Contributions from 1 January 2008 to 30 September 2009	
United Kingdom of Great Britain and Northern Ireland	67.9
Czech Republic	10.0
European Commission	582.1
Mott Foundation	80.0
European Commission	667.1
European Commission	119.8
Subtotal	**1 526.9**
Total	**45 789.2**

Cash pledges to the Voluntary Fund, by contributor, as at 30 September 2009

(Thousands of United States dollars)

European Commission: balance (2008 grant)	727.5
German Bar Association: library	2.3
Total	**729.8**

Projected expenditures by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*2008-2009 estimate*[a]	*2008-2009 revised estimate*	*Increase (decrease)*
Other staff costs	2 978.4	2 970.6	(70.8)
Consultants and experts	35.0	35	—
Travel	83.0	83.0	—
Contractual services	63.3	63.3	—
General operating expenses	0.2	0.2	—
Supplies and materials	6.0	6.0	—
Furniture and equipment	13.0	13.0	—
Grants and contributions	300.0	350.0	50.0
Total	**3 478.9**	**3 458.1**	**(20.8)**

[a] A/64/476.

3. The decreased requirements under other staff costs are the result of a higher than expected vacancy rate within the Tribunal's projects. The increased requirements under grants and contributions are due to the accelerated implementation of the Young Prosecutors Training Programme.